



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JAY DICKSON ROBERTSON,
Appellant,

vs.

W. CLARKSON MCDOW, JR., United States
Trustee, Region Four, WACHOVIA BANK,
Appellees.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:05-2776-HFF-BHH

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND
AFFIRMING THE DECISION OF THE BANKRUPTCY COURT

This is a bankruptcy appeal. Appellant is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the decision of the bankruptcy court be affirmed. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on August 2, 2006. Appellant failed to file any objections to the Report.¹ In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review on those issues. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case, the Court adopts the Report and incorporates it. Therefore, it is the judgment of this Court that the decision of the bankruptcy court is hereby **AFFIRMED**.

IT IS SO ORDERED.

Signed this 24th day of August, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 and 6 of the Federal Rules of Appellate Procedure.

¹The Court notes that Appellant is likely unaware of the Report since, on August 23, 2006, Appellant's copy of the Report was returned to the Clerk of Court, marked "Return to Sender[.] Box Closed[.]" In light of Appellant's failure to keep the Court apprised of his current mailing address as directed to do so by the Order filed October 6, 2005, the Court would ordinarily dismiss the appeal. In this instance, however, and after having made a *de novo* review of the record and the comprehensive and well-reasoned Report of the Magistrate Judge, the Court is of the opinion that the better course here is to affirm the bankruptcy court's decision. The Court will, therefore, enter judgment accordingly.